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5 **UNITED STATES DISTRICT COURT**6 **DISTRICT OF NEVADA**

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8 ARAH MUABA BEY,
9 Plaintiff,

10 vs.

11 NEVADA POWER COMPANY, et al.,
12 Defendants.

Case No. 2:22-cv-01661-CDS-VCF

ORDERAPPLICATION TO PROCEED IN FORMA PAUPERIS
(EFC No. 11)

13 I previously denied pro se plaintiff Arah Muaba Bey's application to proceed in forma pauperis
14 (IFP) without prejudice. ECF No. 4. Plaintiff's IFP application was incomplete, and I also found that
15 plaintiff provided evasive answers that indicated that he was concealing assets. *Id.* I ordered him to
16 either file a long form IFP application or pay the filing fee. *Id.* Plaintiff objected to my order. ECF No.
17 5. Judge Silva overruled plaintiff's objection and ordered Bey to comply with my order. Plaintiff has
18 now appealed Judge Silva's decision to the Ninth Circuit. See ECF Nos. 8, 9, and 10. Plaintiff has now
19 filed an affidavit in lieu of IFP long form, which he attached to a blank long form application. ECF No.
20 11. Since this exact issue is being appealed, I deny Bey's IFP application without prejudice, pending his
21 appeal. Once the Ninth Circuit has issued an order on Bey's appeal, plaintiff has thirty days to refile an
22 updated long form IFP application.

23
24 **ACCORDINGLY,**25 I ORDER that plaintiff Bey's application to proceed in forma pauperis (ECF No. 11) is DENIED
WITHOUT PREJUDICE.

1 I FURTHER ORDER that plaintiff Bey may refile his long form IFP application, if appropriate,
2 within 30 days after his appeal to the Ninth Circuit is complete.


3 **NOTICE**

4 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
5 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
6 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
7 may determine that an appeal has been waived due to the failure to file objections within the specified
8 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
9 objections within the specified time and (2) failure to properly address and brief the objectionable issues
10 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
11 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
12 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, plaintiffs must immediately file written
13 notification with the court of any change of address. The notification must include proof of service upon
14 each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel.

15 **Failure to comply with this rule may result in dismissal of the action.**

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17 IT IS SO ORDERED.

18 DATED this 28th day of November 2022.

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21 CAM FERENBACH
22 UNITED STATES MAGISTRATE JUDGE
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